

**PROPOSED COUNCIL STUDY ISSUE**

**For Calendar Year:** 2004

**New**      **X**

**Previous Year (below line/defer)**

**Issue:** Regulation of Storage Containers and Other Non-vehicles In the Street

**Lead Department:** Public Works

**General Plan Element or Sub-Element:** Land Use and Transportation

**1. What are the key elements of the issue? What precipitated it?**

The issue arose from the study issue "Bicycle and Pedestrian Municipal Code Review." In discussing this issue, Bicycle and Pedestrian Committee members complained about a perceived absence of regulation of storage boxes and refuse debris boxes placed in the public right of way. City Council asked that a study issue paper be created regarding regulation of the placement of storage containers and other "non-vehicles" parked in the street right-of-way. The Committee has stated that recently staff has made a number of administrative changes that have improved the regulation of the subject items. However they feel that there are enforcement issues that still need to be improved.

**2. How does this relate to the General Plan or existing City Policy?**

This issue is addressed by existing City policies. Chapter 13.08 of the Municipal Code requires that an encroachment permit be obtained from the City Engineer for any encroachment on, over, or under a public right-of-way, including the placement of storage bins and other non-vehicles on the street. Chapter 13.08 exempts debris bins used for collection of refuse and recyclable materials from the encroachment permit requirement so long as they are in compliance with Chapter 8.16, which regulates solid waste and recycling collection.

**3. Origin of issue:**

**Councilmember:** Risch, Walker

**General Plan:** \_\_\_\_\_

**Staff:** \_\_\_\_\_

**BOARD or COMMISSION**

Arts	Housing & Human Svcs
Bldg. Code of Appeals	Library
BPAC	Parks & Rec.
CCAB	Personnel
Heritage & Preservation	Planning

Board / Commission Ranking/Comment:

BPAC Board / Commission ranked 11 of 13

4. Multiple Year Project? Yes No ☒ Expected Year of Completion 2004

5. Estimated work hours for completion of the study issue.

(a) Estimated work hours from the lead department 30

(b) Estimated work hours from consultant(s):

(c) Estimated work hours from the City Attorney's Office: 10

(d) List any other department(s) and number of work hours:

Department(s): Community Development 10

Total Estimated Hours: 50

6. Expected participation involved in the study issue process?

(a) Does Council need to approve a work plan? Yes No

(b) Does this issue require review by a Board/Commission? Yes ☒ No

If so, which Board/Commission? BPAC

(c) Is a Council Study Session anticipated? Yes No ☒

(d) What is the public participation process?

BPAC meetings

**7. Estimated Fiscal Impact:**

<b>Cost of Study</b>	<b>\$</b> <u>0</u>
<b>Capital Budget Costs</b>	<b>\$</b> _____
<b>New Annual Operating Costs</b>	<b>\$</b> _____
<b>New Revenues or Savings</b>	<b>\$</b> _____
<b>10 Year RAP Total</b>	<b>\$</b> _____
<b>Budget Modification Needed</b>	<b>\$</b> _____

**8. Staff Recommendation****Recommended for Study****Against Study****X****No Recommendation**

**Explain below staff's recommendation if "for" or "against" study. Department director should also note the relative importance of this study to other major projects that the department is currently working on or that are soon to begin, and the impact on existing services/priorities.**

Storage containers and other “non-vehicles” are fully addressed by the Municipal Code. No safety problems associated with the current system for regulating non-vehicles have been identified. Encroachment permit requirements for storage containers are being enforced, and Neighborhood Preservation staff has been trained on addressing violations.

Regarding debris boxes, City administrative procedures are being used to discourage the placement of Specialty Solid Waste & Recycling boxes in the street. Many of the non-Specialty debris boxes on the street are in violation of the exclusive franchise aspects of Chapter 8.16 of the Municipal Code. Enforcement action is already taken against these bins in violation of Chapter 8.16. Bins in violation of Chapter 8.16 are not covered by the exemption granted in Chapter 13.08 and are thus in violation of both chapters. Additional regulation of non-compliant boxes through Chapter 13.08 would be duplicative and would provide no additional enforcement tools.

*reviewed by*\_\_\_\_\_  
**Department Director**\_\_\_\_\_  
**Date***approved by*\_\_\_\_\_  
**City Manager**\_\_\_\_\_  
**Date**

